

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOANNE HART and AMANDA PARKE, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

BHH, LLC d/b/a Bell + Howell and VAN
HAUSER LLC,

Defendants.

- - - - -x

Videotaped Deposition of DEBBIE FEUERSTEIN,
taken at 888 Seventh Avenue, New York, New
York, commencing at 10:38 a.m., Tuesday,
November 29, 2016, before Jamie Ann Stanton,
a Shorthand Reporter and Notary Public of
the State of New York.

JOB No. 2490905

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1 MR. KOPEL: Strike that. Let
2 me rephrase the question.

3 Q. Have all the packaging designs
4 for the Bell + Howell pest repellers
5 stated that they are ultrasonic pest
6 repellers?

7 A. Yes.

8 Q. And do you see below, it says --
9 there's pictures and words. It says:
10 Ants, mice/rats, spiders, roaches?

11 A. Yes.

12 Q. And the same question: Have all
13 the artwork for the packaging that you
14 recall, have they all included that
15 illustration?

16 A. I think so, yes.

17 Q. And do you understand that
18 illustration to mean that these products
19 will repel those pests that are depicted
20 on the image?

21 A. Yes.

22 Q. Below it, it says: Plug it in,
23 and there is an ellipses, drive pests out.
24 Do you see that?

25 A. Yes.

1 Q. Who originally wrote that?

2 A. I think my designer took it from
3 the artwork we have in the past.

4 Q. Sorry, he took it from the what?

5 A. From the artwork we work before.

6 Q. Are you referring to previous
7 artwork from Bell + Howell or previous
8 artwork for --

9 A. Previous artwork for others.

10 Q. I see. So this phrase, you
11 think, appeared on either First Alert or
12 Sunbeam or both?

13 A. Yes.

14 Q. What do you interpret this
15 phrase to mean?

16 A. Plug it in, drive pest out?

17 Q. Correct.

18 A. Yeah. This is the plug-in unit.
19 So you plug into AC outlet. Meaning don't
20 do any work. And then ultrasonic work use
21 to drive pest out.

22 Q. Drive pests out of a home or
23 office?

24 A. Of the area.

25 Q. Of the area.

1 A. Of area of room where pest
2 repeller is.

3 Q. So this phrase was not intended
4 to mean that the repellers could drive
5 pests out of a home or office?

6 MR. WING: Object to form.

7 A. It is. The repeller drive the
8 pests out from the home.

9 Q. Oh, so it means it drives pests
10 out from the home?

11 A. Right, right.

12 Q. Okay, thank you.

13 A. Right, but the thing -- that's
14 why we do multiple packs, because each one
15 is perfect for the average size of the
16 room.

17 Q. So the multipack, so drive pests
18 out, means if you use --

19 A. You put in multi rooms.

20 Q. Let me just finish the question,
21 please.

22 The use of the multipack and
23 that statement on it is intended to mean
24 that if a consumer uses all of the
25 repellers in this pack, they will be able